

[counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA (DMR)

**STIPULATION AND [PROPOSED]
ORDER REGARDING TRIAL
PROCEDURES**

Dept.: Courtroom 9, 19th Floor
Judge: Honorable William H. Alsup

STIPULATION

WHEREAS, the parties have continued to meet and confer in advance of trial and have reached agreement regarding certain trial procedures; and

WHEREAS, the Court's April 2, 2012 Order regarding rolling witness lists (Dkt. No. 851) permits the parties to change the limit of seven witnesses by written agreement;

NOW THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE as follows:

I. TRIAL PROCEDURES

The parties agree to the following procedures for purposes of trial:

1. The rolling witness lists contemplated in the Court's April 2, 2012 Order (Dkt. No. 851) shall include ten (10) names (or the total of the remaining witnesses that the party has a good faith expectation to call in the event that the party does not expect to call ten more witnesses).

2. The parties shall exchange their initial rolling witness lists by 5:00 PM (Pacific) on Monday, April 9, 2012. The parties shall exchange any modifications to their initial rolling witness lists by 5:00 PM (Pacific) on Tuesday, April 10, 2012. Subsequent rolling witness lists shall be exchanged as specified in the Court's April 2, 2012 Order (Dkt. No. 851).

3. For motions filed during trial, the parties agree to advance the timing set forth in the Court's Order (Dkt. No. 835) as follows:

- The moving party shall provide the other party with written notice of intent to file a motion (which notice shall include the relief to be sought and a general description of the subject matter and basis for the motion) by 3 PM (Pacific) on the day the motion is to be filed.
- The moving party shall file its motion no later than 6 PM (Pacific) the same day.
- The opposing party shall file its response no later than 10 PM (Pacific) the same day.

4. The parties shall exchange materials to be shown the jury during Phase One opening statements no later than 4 PM (Pacific) on Saturday, April 14, 2012. Written objections, if any, to the opposing party's materials shall be exchanged by 1 PM (Pacific) on Sunday,

1 April 15, 2012. The parties shall meet and confer regarding any objections by 4 PM (Pacific) on
2 April 15, 2012.

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5 **ORDER**

6 The foregoing stipulation is approved, and IT IS SO ORDERED.
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9 Date: _____

10 Honorable William Alsup
11 Judge of the United States District Court
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1 Dated: April 9, 2012

MORRISON & FOERSTER LLP

2 By: /s/ Daniel P. Muino

3 MORRISON & FOERSTER LLP
4 MICHAEL A. JACOBS (Bar No. 111664)
mjacobs@mofo.com
5 KENNETH A. KUWAYTI (Bar No. 145384)
kkuwayti@mofo.com
6 MARC DAVID PETERS (Bar No. 211725)
mdpeters@mofo.com
7 DANIEL P. MUINO (Bar No. 209624)
dmuino@mofo.com
8 755 Page Mill Road
9 Palo Alto, CA 94304-1018
Telephone: (650) 813-5600
10 Facsimile: (650) 494-0792

11 BOIES, SCHILLER & FLEXNER LLP
12 DAVID BOIES (Admitted *Pro Hac Vice*)
dboies@bsflp.com
333 Main Street
13 Armonk, NY 10504
Telephone: (914) 749-8200
Facsimile: (914) 749-8300
14 STEVEN C. HOLTZMAN (Bar No. 144177)
sholtzman@bsflp.com
15 1999 Harrison St., Suite 900
Oakland, CA 94612
16 Telephone: (510) 874-1000
Facsimile: (510) 874-1460

17 ORACLE CORPORATION
18 DORIAN DALEY (Bar No. 129049)
dorian.daley@oracle.com
19 DEBORAH K. MILLER (Bar No. 95527)
deborah.miller@oracle.com
20 MATTHEW M. SARBORARIA (Bar No.
21 211600)
matthew.sarboraria@oracle.com
22 500 Oracle Parkway
Redwood City, CA 94065
23 Telephone: (650) 506-5200
Facsimile: (650) 506-7114

24 *Attorneys for Plaintiff*
25 ORACLE AMERICA, INC.

1 Dated: April 9, 2012

KEKER & VAN NEST, LLP

2 By: /s/ Christa M. Anderson

3 ROBERT A. VAN NEST (SBN 84065)
4 rvannest@kvn.com
5 CHRISTA M. ANDERSON (SBN184325)
6 canderson@kvn.com
7 DANIEL PURCELL (SBN 191424)
8 dpurcell@kvn.com
9 710 Sansome Street
10 San Francisco, CA 94111-1704
11 Telephone: (415) 391-5400
12 Facsimile: (415) 397-7188

13 SCOTT T. WEINGAERTNER (*Pro Hac Vice*)
14 sweingaertner@kslaw.com
15 ROBERT F. PERRY
16 rperry@kslaw.com
17 BRUCE W. BABER (*Pro Hac Vice*)
18 bbaber@kslaw.com
19 1185 Avenue of the Americas
20 New York, NY 10036-4003
21 Telephone: (212) 556-2100
22 Facsimile: (212) 556-2222

23 DONALD F. ZIMMER, JR. (SBN 112279)
24 fzimmer@kslaw.com
25 CHERYL A. SABNIS (SBN 224323)
26 csabnis@kslaw.com
27 KING & SPALDING LLP
28 101 Second Street - Suite 2300
San Francisco, CA 94105
Telephone: (415) 318-1200
Facsimile: (415) 318-1300

GREENBERG TRAURIG, LLP
IAN C. BALLON (SBN 141819)
ballon@gtlaw.com
HEATHER MEEKER (SBN 172148)
meekerh@gtlaw.com
1900 University Avenue
East Palo Alto, CA 94303
Telephone: (650) 328-8500
Facsimile: (650) 328-8508

Attorneys for Defendant
GOOGLE INC.

ATTESTATION

I, Daniel P. Muino, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER REGARDING TRIAL PROCEDURES. In compliance with General Order 45, X.B., I hereby attest that Christa M. Anderson has concurred in this filing.

Date: April 9, 2012

/s/ Daniel P. Muino